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SUBJECT: GREECE: UN MINORITIES EXPERT REFUTES ERRONEOUS IMPRESSIONS
OF HER VISIT

1. (SBU) SUMMARY: During an August 16 visit to Greece at the invitation of the GOG, UN Minorities expert Gay McDougall examined Greek legislation, policies, and practices related to minority rights and highlighted challenges and good practices. McDougall refuted erroneous claims in the Greek press that her visit was somehow connected to the Macedonia name issue and that she was working to promote USG policy in the Balkans. Perceptions of McDougall's visit were further complicated by a confusing press release of the Greek Helsinki Monitor (GHM), which appeared (erroneously) to link McDougall's visit with treason charges against GHM spokesman Panayote Dimitras. There was not linkage, however, between McDougall's visit and the treason accusations against Dimitras, who in any case has never been formally charged by judicial authorities with any violations of the criminal code. END SUMMARY.

GOG INVITES MCDUGALL TO EXAMINE MINORITIES ISSUES

2. (SBU) On August 16, UN expert on Minorities Gay McDougall made an official fact-finding trip to Greece, visiting Athens, Thessaloniki, Thrace, and the Florina region in northern Greece. According to McDougall, the scope of her visit was to examine Greek legislation, policies, and practices related to minority rights and to highlight challenges and good practices. Her visit received much negative publicity, however, with many press reports speculating that the timing of her visit indicated that it was connected with the Macedonia name issue and that she was a representative or agent of the USG seeking to promote U.S. policy in the Balkans.

3. (SBU) McDougall gave an interview in Athens at the conclusion of her visit, in which she denied any hidden agenda or connection with the USG, though she admitted she was an AmCit. She emphasized that her visit was an official one at the invitation of the Greek Government (Note: She met with FM Bakoyannis and several GOG officials during her visit. End Note) and that her report on the situation of minorities in Greece would be submitted to the UN Council of Human Rights in March 2009 after consultations with the GOG. She explained that she had met with representatives of national, ethnic, religious, and linguistic minorities and disadvantaged groups, and that she had no final conclusions or findings to offer at this point. She welcomed the opportunity she would be given in the coming months to discuss her preliminary findings with the GOG before publication. Greek press representatives appeared reluctant to accept that she had no opinions or findings to share now and attempted to get out of her names of individuals with whom she had met and the reasons she had visited Florina in particular, where the un-recognized Slav-speaking "Macedonian" minority lives.

NO LINK WITH DIMITRAS' TROUBLES

4. (SBU) Perceptions of McDougall's visit were further complicated by a confusing press release of the Greek Helsinki Monitor (GHM), which appeared (erroneously) to link McDougall's visit with treason charges against GHM spokesman Panayote Dimitras. While it was true that Dimitras had been summoned by a prosecutor and asked questions,

this occurred some time ago and was unrelated to the McDougall visit. The case dates from October 2007. Under the Greek criminal justice system, any citizen may file a complaint against another person claiming a violation of the criminal code. The prosecutor's office then determines whether there are sufficient grounds to proceed with a criminal investigation and formal charges.

¶5. (SBU) In this case, far-right MP Plevris from the LA.OS (Popular Orthodox) party, filed a complaint in October 2007 against Dimitras claiming that Dimitras had violated Article 138 paragraph 1 of the Criminal Code, which states: "one who attempts by force or by threat of force to detach from the Greek State territory belonging to it or to include territory of the Greek State in another state shall be punished by death" (another article commutes death sentences to life sentences). In Plevris' accusation, he highlighted texts written by Dimitras that referred to the Macedonian minority in Greece (and that also made references to concerns raised by the European Commission against Racism and Intolerance (ECRI) and the United Nations on the matter).

¶6. (SBU) The Chief Prosecutor of the First Instance Court of Athens could have decided to ignore the complaint. He decided, however, that the criminal complaint was not completely unfounded and launched a preliminary criminal investigation against Dimitras. On that basis, Dimitras was invited by the magistrate to answer questions. According to the law, this preliminary criminal investigation process is to last only four months. After nine months, the complaint against Dimitras is still in the phase of preliminary investigation. No charges have been filed against Dimitras and it appears unlikely that they will be.

COMMENT

¶7. (SBU) Gay McDougall's visit would be controversial in Greece at any time due to her interest in minorities; the GOG defines "minorities" strictly in accordance with the provisions of the 1923 Treaty of Lausanne, and, on that basis, the GOG maintains that there is only one minority in Greece: the "Muslim minority" of Thrace that is recognized by the Lausanne Treaty. But McDougall's visit was further complicated by the linkage in the public mind between minority issues and the Macedonia name issue. McDougall's visit came just when public attention was focused on recent demands by the Republic of Macedonia's PM Gruevski that name-issue negotiations include reference to a "Macedonian" nationality and ethnicity, and the Gruevski letters to PM Karamanlis and other world leaders in which he asks that Greece formally recognize the existence of a "Macedonian minority." These are explosive topics in Greece. McDougall was careful at her press conference to deny any linkage between her visit and the name issue - or any linkage between her and the USG. Her repeated references to her plans to consult with the GOG during the writing of her report may also help smooth feathers.

¶8. (SBU) COMMENT CONT. As for the further distraction of treason charges against Panayote Dimitras, we note that he has long been a thorn in the government's side. This is not the first time that far-right representatives have filed complaints against him based on the criminal code. As far as we know, however, he has never been formally charged by judicial authorities with any violations of the criminal code.

SPECKHARD